IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10131 of 2007(F)

PETITIONER:
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1. **MANIYAN, AGED 60**
   S/O LATE KUNJAN
   KARUPARAMPIL HOUSE
   IRUMPOOZHIKKARA
   UDAYANAPURAM P.O.
   VAIKOM TALUK, KOTTAYAM DIST.

2. **KAUSALYA, AGED 61 YEARS**
   W/O MANIYAN
   KARUPARAMPIL HOUSE
   IRUMPOOZHIKKARA
   UDAYANAPURAM P.O.
   VAIKOM TALUK, KOTTAYAM DIST.

BY ADV. SRI.P.M.NATESAN
SRI.P.K.MURALEEDHARAN

RESPONDENTS:
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1. **THE ASSISTANT REGISTRAR (GENERAL)**
   ASST. REGISTRAR OFFICE OF CO-OPERATIVE
   SOCIETIES, VAIKOM P.O.

2. **SPECIAL SALES OFFICER**
   THE KOTTAYAM DISTRICT CO-OPERATIVE
   BANK LTD., P.B.NO.140
   KOTTAYAM-1

3. **THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.**
   REP. BY ITS BRANCH MANAGER
   CHEMPU BRANCH, CHEMPU P.O. , VAIKOM

BY ADV.SRI.T.R.HARIKUMAR
GOVT.PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.10131 OF 2007

DATED THIS THE 23rd DAY OF MARCH, 2007

JUDGMENT

The petitioners are defaulters in repayment of loan amounts due to the 3rd respondent – Bank. The Bank has obtained an award under Section 69 of the Kerala Co-operative Societies Act, which is being executed as per Ext.P2 sale notice. The petitioners are challenging the said sale notice on the ground that they were totally in the dark about the arbitration proceedings and the award. They would submit that they were never served with any notice in the arbitration proceedings or a copy of the award.

2. I have heard the learned counsel for the petitioner as also Sri. T.R. Harikumar, the learned standing counsel appearing for the 3rd respondent. Although the petitioners challenge Ext.P2 sale notice, they would now be satisfied with a direction to the 3rd respondent to permit the petitioners to pay the amount demanded in easy instalments.

3. On consideration of the facts and circumstances of the case, particularly the fact that the petitioners are senior citizens, I dispose of this writ petition on the following terms.

The petitioners shall pay an amount of Rs.50,000/- within one

month from today. The balance amount shall be paid with accrued interest in ten equal monthly instalments starting from 1.06.07. All subsequent instalments shall be paid on the 1st day of every succeeding month. If the petitioners comply with the above directions, further proceedings pursuant to Ext.P2 shall be kept in abeyance. However, if the petitioners commit default in payment of any of the amounts as directed above, it would be open to the 3rd respondent o continue proceedings now initiated without having to issue any fresh notice or proceedings in that regard.

S. SIRI JAGAN, JUDGE

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